

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Matthew J. Ward,	)	C/A No. 4:17-cv-00367-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
James Blackwell, Tamara Ravenell,	)	
Jack Kicinski,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on the Report and Recommendation (“Report”) of the Magistrate Judge, recommending dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) filed on January 16, 2018. ECF No. 75. Specifically, the Magistrate Judge recommended dismissal because Plaintiff failed to respond to Defendants’ Motion for Summary Judgment. Plaintiff filed an untimely Response in Opposition to the Motion for Summary Judgment on January 26, 2018. ECF No. 78. The Court is aware that Plaintiff was warned twice that failure to timely respond to Defendant’s Motion for Summary Judgment could subject his case to dismissal; however, out of an abundance of caution for a pro se Plaintiff, the Court respectfully declines to adopt the Report and recommits this matter to the Magistrate Judge for consideration of the Motion for Summary Judgment and the Response in Opposition.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

January 30, 2018  
Spartanburg, South Carolina